



The Connecticut Fire Marshals Assoc.

Fire Marshal Kevin J Kowalski - Legislative rep.
kkowalski@simsburyfd.org 860-658-1971

Testimony Before the Public Safety and Security Committee

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Raised House Bill 6425 AAC Fire Safety Enforcement Officials and Raised Senate Bill 929 AN ACT Concerning Consolidation Functions and Operations of the Department Of Construction Services and Regulating Special Effects Displays

Senator Hartley, Representative Dargan, Members of the Public Safety and Security Committee, my name is Kevin Kowalski, I am the Fire Marshal for the Town of Simsbury and I represent the CT Fire Marshals Association. I am here today to speak on HB 6425 and SB 929.

The CT Fire Marshals Association is opposed to HB 6425 AAC Fire Safety Enforcement Officials as currently drafted. This bill was before the Public Safety Committee during the 2012 session, at which time the CFMA opposed the bill, and the Committee did not move the bill forward.

This bill will change the responsibility of certifying the local Fire Marshal and Deputy Fire Marshal from the local community and give it to the state. While the bill's statement of intent is to streamline the process of certifying fire safety enforcement officials, we do not believe this proposal achieves that goal. Currently, the Office of the State Fire Marshal certifies an individual as eligible to be certified once they complete a recognized training program and then once hired by a community, is actually certified. While we agree with the intent of the proposal, and we believe it would mimic the process by which a building official is licensed by the state, the difference is those individuals are required to have 5 years of experience in a trade, such as heating, plumbing or electrical work.

The CFMA believes that there should also be prerequisites for potential Fire Marshals if the state wants the sole authority to certify. In an effort to professionalize fire marshals, the CFMA proposes adding specific experience for the certification of Fire Marshals, Deputy Fire Marshals, fire inspectors and fire investigators as follows: Fire Fighter I Certification/Hazardous Materials Operational, or three years of experience in the fire service, or three years of experience within a Fire Marshal's office, or a certified police officer.

We also recommend including a change to the certification authority: from the Codes and Standards Committee to the the Fire Marshal Training council and The State Fire Marshal.



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Additionally, we ask that the 90 hour training requirement every three years be changed to 90 hours on a rotating average. This would give credit to those who are able to train for more than 90 hours.

The second bill that I would like to testify on is SB 929 AAC Consolidating Functions and Operations of the Department of Construction Services and Regulating Special Effects.

In 2011, many agency functions were consolidated, including some duties and responsibilities of various positions from the Department of Emergency Services and Public Protection to the Department of Construction Services. These specific consolidations have created confusion and have made for a disjointed atmosphere. The consolidations proposed in SB 929 will create more confusion as the State Fire Marshal would no longer have authority over special hazards, explosives, and pyrotechnics. The CFMA proposes that the State Fire Marshal, along with the small field service support staff, move back to DESPP to allow for better support of the local fire marshals who take care of these functions locally. This would be a minor adjustment and would streamline operations and communications between the state and local level.

AN ACT CONCERNING FIRE SAFETY ENFORCEMENT OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 29-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The State Fire Marshal and the **Fire Marshal Training Council**[Codes and Standards Committee], acting jointly, shall adopt minimum standards of qualification for local fire marshals, deputy fire marshals, fire inspectors and such other classes of inspectors and investigators as they deem necessary.

There shall be a prerequisite for certification of Fire Marshals , Deputy Fire Marshals , Fire inspectors and Fire investigators. As follows.

Fire Fighter I Certification / Hazardous Materials Operational. -OR- Three years of experience in the fire service -OR- Three years of experience within a Fire Marshal's Office-OR- A certified police officer.

The State Fire Marshal and the **Fire Marshal Training Council** [Codes and Standards Committee] shall (1) prepare and conduct oral, written or practical examinations to determine if a person is qualified [and eligible] to be certified, or (2) accept successful completion of programs of training developed by [public] agencies or institutions and approved by them as proof of qualification for certification, [eligibility,] or (3) prepare and conduct a training program, the successful completion of which shall qualify a person to be certified. Upon determination of the qualification of a local fire official under subdivision (1), (2) or (3) of this subsection, the State Fire Marshal and the **Fire Marshal training Council**[the Codes and Standards Committee] shall issue or cause to be issued a certificate to such person stating that the person is [eligible to be] certified. The State Fire Marshal and the **Fire Marshal Training Council**[Codes and Standards Committee] shall establish classes of certification that will recognize the varying involvements of such local fire officials. Local fire marshals, deputy fire marshals, fire inspectors and other inspectors or investigators holding office in any municipality shall be certified in accordance with subdivision (1), (2) or (3) of this subsection. On or after October 1, 1979, no local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator shall be appointed or hired unless such person is certified and any such person shall be removed from office if such person fails to maintain certification. The State Fire Marshal and the **Fire Marshal Training Council**[Codes and Standards Committee] shall conduct educational programs designed to assist such local fire officials in carrying out the duties and responsibilities of their office. Such educational programs for local fire marshals, deputy fire marshals and fire inspectors shall be in addition to the programs specified under subdivisions (2) and (3) of this subsection and shall consist of **an average of** [not less than] ninety hours of training over a three-year period. The State Fire Marshal and the **Fire Marshal Training Council** [The Codes and Standards Committee] shall establish the minimum hours of training for the other classes of inspectors and investigators, which shall recognize the varying

involvements of such officials. Each local fire official shall attend such training programs or other approved programs of training and present proof of successful completion to the State Fire Marshal. The State Fire Marshal may, after notice and opportunity for hearing, and with the participation of one or more members of the Fire Marshal Training Council, revoke any certificate issued under the provisions of this subsection for failure on the part of a local fire official to present such proof. Any [appointed] local fire marshal, deputy fire marshal or other inspector or investigator who wishes to retire his or her certificate may apply to the State Fire Marshal and the **Fire marshal Training Council**[Codes and Standards Committee] to have such certificate retired and be issued a certificate of emeritus. Such retired local fire official may no longer hold himself or herself out as a certified local fire official.

(b) No local fire marshal, deputy fire marshal, fire inspector or other inspector or investigator acting for a local fire marshal, who is charged with the enforcement of [the Fire Safety Code and] this chapter, may be held personally liable for any damage to persons or property that may result from any action that is required or permitted in the discharge of his official duties while acting for a municipality or fire district. Any legal proceeding brought against any such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator because of any such action shall be defended by such municipality or fire district. No such fire marshal, deputy fire marshal, fire inspector or other inspector or investigator may be held responsible for or charged with the costs of any such legal proceeding. Any officer of a local fire marshal's office, if acting without malice and in good faith, shall be free from all liability for any action or omission in the performance of his official duties.

(c) Except as provided in this subsection, each certified deputy fire marshal, fire inspector or other inspector or investigator shall act under the direction and supervision of the local fire marshal while enforcing [the Fire Safety Code and] the provisions of this chapter. The local fire marshal may authorize, in writing, such deputy fire marshal or fire inspector to issue any permit or order under the provisions of this part or to certify compliance with the provisions of [the Fire Safety Code] this chapter, on his behalf. If no local fire marshal has been appointed in accordance with the provisions of section 29-297, as amended by this act, the deputy fire marshal or acting fire marshal shall assume the authority granted to the local fire marshal under this section.

Sec. 2. Section 29-297 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough, or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough, or, in the case of an incorporated fire district, the executive authority of such district shall appoint a local fire marshal and such deputy fire marshals and other inspectors or investigators as may be necessary. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of such municipality. Each local fire marshal shall be sworn to the faithful performance of his duties by the clerk of the town, city, borough or fire

district and shall continue to serve in that office until removed for cause. Such clerk shall record his acceptance of the position of local fire marshal and shall report the same in writing to the State Fire Marshal within ten days thereafter, giving the name and address of the local fire marshal and stating the limits of the territory in which the local fire marshal is to serve.

(b) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough or, in the case of an incorporated fire district, the executive authority of such district may, upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal, appoint a certified deputy fire marshal as the acting fire marshal for a period not to exceed one hundred eighty days.